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ANN BAVENDER*
HARRY F. COLE*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
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EUGENE M. LAWSON, JR.
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RAYMOND J. QUIANZON
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JAMES P. RILEY
ALISON J. SHAPIRO
KATHLEEN VICTORY
JENNIFER DINE WAGNER*
LILIANA E. WARD
HOWARD M. WEISS
* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhhlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS

CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYSS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*
DONALD J. EVANS
EDWARD S. O'NEILL*

WRITER'S DIRECT

February 21, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: MM Docket No. 00-245/
RM-9971
Alberta and Dinwiddie, Virginia, and
Whitakers and Garysburg, North Carolina

Dear Mr. Caton:

Transmitted herewith, on behalf of Garysburg Radio, are an original and four copies of its
"Reply to Response to Order to Show Cause" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,


Anne Goodwin Crump
Counsel for Garysburg Radio

Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEB 21 2002

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM DOCKET NO. 00-245
Table of Allotments, FM Broadcast Stations.)	RM-9971
(Alberta and Dinwiddie, Virginia, and)	
Whitakers and Garysburg, North Carolina)	

Directed to: Chief, Allocations Branch

REPLY TO RESPONSE TO ORDER TO SHOW CAUSE

Garysburg Radio, by its attorneys, hereby respectfully submits its Reply to the "Response to Order to Show Cause" (the "Response") submitted on February 11, 2002, by MainQuad Broadcasting, Inc. ("MainQuad") in the above-captioned proceeding. With respect thereto, the following is stated:

1. MainQuad's Response was submitted in response to the Order to Show Cause, DA 01-2986, released December 21, 2001, in this proceeding (the "Show Cause Order"). The Show Cause Order instructs MainQuad to demonstrate why the license for WSMY-FM, Alberta, Virginia, should not be modified to specify operation on Channel 299A in lieu of Channel 276A in order to accommodate the allotment of Channel 276A to Garysburg, North Carolina, and the retention of the sole local broadcast service at Alberta. In its Response, however, MainQuad fails to show any public interest reasons which would prevent modification of the WSMY-FM license to Channel 299A but rather demonstrates only its extreme desire to move the station from the town of Alberta to Whitakers, North Carolina, at the edge of the Rocky Mount Urbanized

Area. The claimed reasons which MainQuad puts forward are flimsy at best and do not survive close scrutiny.

2. MainQuad's first claim is that modification of the WSMY-FM license to specify operation on Channel 299A would preclude the initiation of new service to Whitakers. Such is not necessarily the case, however. If the WSMY-FM license were modified to Channel 299A, then Channel 276A would be available for allotment at either Garysburg or Whitakers. In that case, the community of Alberta would retain its sole local broadcast station, and a first local service could be allotted to Garysburg or Whitakers. Garysburg Radio continues to believe that Garysburg is the more deserving community, as previously demonstrated by Garysburg Radio's comments and reply comments in this proceeding. Nonetheless, the fact remains that modification of the WSMY-FM license as proposed would also allow for the allotment of Channel 276A (or Channel 276C3) at Whitakers as a first local service without any need for a change in the community of license of WSMY-FM. Thus, all of the public interest advantages claimed by MainQuad for its proposal could be realized without depriving Alberta of its sole local broadcast outlet.

3. MainQuad next claims that the need of Garysburg for a local broadcasting outlet is being resolved. Specifically, MainQuad notes that, simultaneously with the filing of its Response, an affiliated entity, MainQuad Communications, Inc. ("MCI") filed with the Commission a petition for rule making to change the community of license of its existing station, WPTM(FM), from Roanoke Rapids, North Carolina, to Garysburg. It is quite clear, however, that this proposed "move" is more a matter of form than of substance. As noted by MainQuad, WPTM(FM)'s existing city grade contour encompasses the community of Garysburg. Thus,

there will be no need for any change in the transmitter location of WPTM(FM) or, presumably, its main studio. Thus, WPTM(FM) would be able to continue operating as it does now, with the only perceptible change the addition of the name of Garysburg to the station's official station identification. Obviously, the mere name change of a Roanoke Rapids station is a poor substitute for a new broadcast station dedicated to the needs of Garysburg.

4. Moreover, MainQuad/MCI's proposed community name substitution would provide no new service whatsoever to Garysburg. The community would continue to receive service from precisely the same stations which now provide reception service to Garysburg, and there would be no technical changes. Precisely the same number of voices would continue to serve the area, and there could be no addition of a new point of view. Thus, the residents of Garysburg would be unlikely to perceive any change in the radio service available to them. Clearly, a mere continuation of the status quo, aside from a name change, is far from equivalent to the addition of a new, local radio transmission service. Most of the benefits generally associated with the addition of a local radio station, such as an additional outlet for local expression, increased diversity of viewpoint, and increased competition in the marketplace, would be lost. Thus, the MainQuad plan does not constitute an equivalent, or acceptable, substitute for the allotment of a new channel to Garysburg to serve as the station's first local broadcast service.

5. Finally, MainQuad argues that there would be no loss of service to Alberta because it has proposed the allotment of Channel 299A to Alberta as a replacement channel. Further, MainQuad has indicated that it would apply for this substitute channel if allotted and, if awarded the construction permit, would construct the new facility. MainQuad has further indicated that it would be willing to wait to move WSMY-FM until after a new Alberta station went on the air on

Channel 299A.¹ All of these statements are rather beside the point, however.

6. MainQuad has not demonstrated why the best and simplest solution would not be simply to modify the license of WSMY-FM to specify operation on Channel 299A. This change would allow the community of Alberta to retain its existing station without the need to move one station and build another. Furthermore, the modification would eliminate the claimed technical difficulties which WSMY-FM has had with interference to television channel 12 in Richmond. The end result for the community of Alberta would be the same as that proposed by MainQuad, namely, a station operating on Channel 299A, and MainQuad has indicated that it is willing to build and operate such a station. Thus, it is clear that MainQuad cannot object in principle to operating a station on Channel 299A at Alberta.²

7. MainQuad has attempted to make much of its stated plans to relocate WSMY-FM to a new transmitter site from which it is hoped that operation on Channel 276A would not create interference to television Channel 12. MainQuad then objects to the substitution of Channel 299A on the grounds that WSMY-FM could not operate from that potential new site on Channel 299A in full compliance with the spacing requirements of Section 73.207 of the Commission's Rules. Leaving aside the fact that MainQuad has not yet sought a construction permit for this new site, its objection is nonetheless without substance. If Channel 299A is substituted for

¹ Clearly, a mere allotment of a channel with the promise of a new service at an unspecified time in the distant future is not the equivalent of an existing, operational station.

² Additionally, in accordance with Commission policy requiring that parties which benefit from such channel changes reimburse affected licensees for expenses, Garysburg Radio has indicated that it will reimburse MainQuad for its expenses in connection with the change in channel, provided that it ultimately is the permittee of the proposed Garysburg station.

Channel 276A, then there will be no need whatsoever for WSMY-FM to change from its current transmitter site. As previously demonstrated in this proceeding, Channel 299A is fully spaced at that location. Further, the change in channel would eliminate any potential interference to television Channel 12.


8. In sum, the proposed modification of the license for WSMY-FM to specify operation on Channel 299A would provide public interest benefits at least equivalent to those proposed by MainQuad without the detriment of disruption to local broadcast service at Alberta. The channel substitution would allow Alberta to retain its sole local broadcast facility and would eliminate the potential for difficulties with interference. Thus, the station would be able to continue operations without the difficulties which MainQuad has stated have plagued the station in the past. Furthermore, the channel substitution would allow the allotment of Channel 276A as a first local service. While Garysburg Radio has demonstrated that the preferable allotment would be to Garysburg, another possible allotment would be at Whitakers. In either case, a channel to provide a new, first local service will be made available for application at a future date.³ Thus, the public would receive the benefits of a new service and a new viewpoint in the affected

³ It should be noted as well that, at least with regard to Whitakers, this approach would create no delay in the institution of local service in comparison with the approach favored by MainQuad. In either instance, since MainQuad has agreed to continue operations in Alberta pending the commencement of service by another station, there would be the need to wait for applications, auction, and construction before service could begin at Whitakers.

market. Therefore, the public interest would best be served by modification of the license of WSMY-FM to specify operation on Channel 299A.

Respectfully submitted,

GARYSBURG RADIO

By: 
Vincent J. Curtis, Jr.
Anne Goodwin Crump

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

February 21, 2002

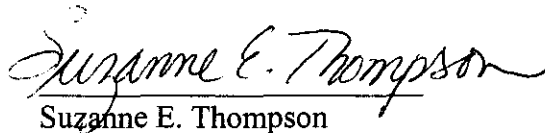
CERTIFICATE OF SERVICE

I, Suzanne E. Thompson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C. do hereby certify that true copies of the foregoing "Reply to Response to Order to Show Cause" were sent this 21st day of February, 2002, by United States mail, postage prepaid, to the following:

John M. Pelkey, Esquire
Garvey, Schubert & Barer
5th Floor, 1000 Potomac Street, N.W.
Washington, D.C. 20007
Counsel for MainQuad Broadcasting, Inc.

Meredith S. Senter, Esquire
Leventhal, Senter & Lerman, P.L.L.C.
2000 K Street, N.W., Suite 600
Washington, D.C. 20006
Counsel for Dinwiddie Radio Company

R. Barthen Gorman*
Federal Communications Commission
Mass Media Bureau
445 12th Street, S.W., Room 3-A224
Washington, D.C. 20554


Suzanne E. Thompson

* By Hand Delivery